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OFFICE OF
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May 29, 2013

Mr. Anthony Herman
Office of the General Counsel
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463
(via fax: 202-219-3923)

RE: MUR 6734

Dear Mr. Herman:

On behalf of Mr. Carl A. Davis, this letter is submitted in response to the complaint filed by Citizens for Responsibility and Ethics in Washington ("CREW"), Melanie Sloan, the Campaign Legal Center ("CLC") and Paul S. Ryan ("the Complaint") and subsequently labeled MUR No. 6734 against Mr. Davis and thirty one (31) other individuals. A designation of counsel is on file with your office. This complaint against Mr. Davis should be immediately dismissed.

The Commission may find "reason to believe" only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation. *See* C.F.R. §§ 11.4(a), (d). Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true, and provide no independent basis for investigation. *See* Commissioners Mason, Sandstrom, Smith and Thomas, MUR 4960 (Dec. 21, 2001).

The Complaint states in part that 1) the FEC has failed to properly administer the FECA's reporting requirements which has caused harm to the complainants, and 2) that Mr. Davis has violated 2 U.S.C. § 441a(a)(3)(A) and 11 C.F.R. § 110.5(b)(1)(i) by contributing more than \$46,200 to federal candidates during the period January 1, 2011 and ending on December 31, 2012.

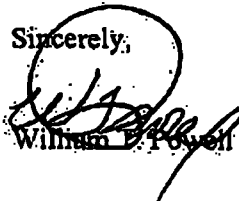
The sole source of this complaint is a report by the Huffington Post. The report however fails to identify any information upon which these facts can be discerned. It is simply a legal conclusion with no substantiation.

The campaign contributions alleged by Aaron Bycoffe in the Huffington Post article and then repeated by the complainants are, at best, unsubstantiated allegations against Mr. Davis. While Mr. Davis and his wife make political contributions, those contributions are almost always joint contributions, as Texas is a community property state. Mr. Davis, nor his wife, are responsible for reporting those contributions to federal candidates. Unless the candidate disclosed to Mr. Davis how the contribution was reported Mr. Davis would have no knowledge if the reported amount was accurate or inaccurate. If the contribution had been reported properly as joint contributions, Mr. Davis's legal limit for both husband and wife would have been \$92,400.00.

The "Complaint" asserts Mr. Davis contributed the sum of \$89,500.00 to federal candidates during January 1, 2011 through December 31, 2012. While Mr. Davis disputes that the contribution amount is accurate, the alleged contribution amounts for Mr. Davis and wife was less than the limits imposed. Therefore, if the contributions were reported correctly by the federal candidate, Mr. Davis and his wife would have contributed less than their joint legal limits for federal candidate.

Since the contributions were for both Mr. Davis and Mrs. Davis, Mr. Davis certainly did not knowingly make any excessive contributions to federal candidates.

Sincerely,



William T. Powell

WTP:cb



FEDERAL ELECTION COMMISSION

999 E Street, NW

Washington, DC 20463

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OFFICE OF
COMMUNICATIONS

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Entity/Treasurer
FAX (202) 219-3923

MUR # 6734NAME OF COUNSEL: William T. PowellFIRM: Law Office of William T. PowellADDRESS: 2700 Post Oak Blvd., Suite 1050Houston, Texas 77056TELEPHONE- OFFICE (713) 722-9233FAX (713) 722-9433 Web Address ted@tedpowelllaw.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

5-23-2013

Date

Respondent/Agent-Signature

Title (Treasurer/Candidate/Owner)

RESPONDENT: Mr. Carl A. Davis

(Committee Name, Company Name, or Individual Named in Notification Letter)

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Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

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